

## Alcohol and Tobacco Tax and Trade Bureau, Treasury

## § 252.211

a foreign-trade zone, shall be in accordance with the applicable provisions of subpart M of this part.

(72 Stat. 1336, 84 Stat. 1965; 26 U.S.C. 5062, 5066)

[T.D. 7112, 36 FR 8583, May 8, 1971. Redesignated at 40 FR 16835, Apr. 15, 1975]

### **§ 252.197 Return of spirits withdrawn for export with benefit of drawback.**

When notice is filed by an exporter as provided in § 252.198, spirits on which the tax has been paid or determined, and which were withdrawn especially for export with benefit of drawback as provided in § 252.171, but which spirits have not been laden for export, laden for use, or deposited in a customs bonded warehouse or foreign-trade zone, may for good cause be returned under the applicable provisions of this part and 27 CFR part 19:

- (a) To the bonded premises of the distilled spirits plant for purposes authorized under 26 U.S.C.; or
- (b) To a wholesale liquor dealer; or
- (c) To a taxpaid storeroom.

The export marks on spirits returned under this section shall be removed by obliteration, relabeling or recasing.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1336, as amended (26 U.S.C. 5062))

[T.D. ATF-198, 50 FR 8561, Mar. 1, 1985, as amended by T.D. ATF-206, 50 FR 23956, June 7, 1985]

### **§ 252.198 Notice of return.**

If an exporter desires to return spirits to a distilled spirits plant, wholesale liquor dealer or taxpaid storeroom, as provided in § 252.197, he shall file a notice, executed under the penalties of perjury, with the appropriate ATF officer. The notice shall be prepared in triplicate for submission to the customs official as required in § 252.199. The notice shall show the:

- (a) Name, address, and plant number of the distilled spirits plant which packaged or bottled the spirits;
- (b) Date and serial number of the ATF Form 5110.30 on which the spirits were withdrawn;
- (c) Present location of the spirits to be returned;
- (d) Number, size and identification of the containers;

- (e) Proof of spirits;
- (f) Reason for the return; and
- (g) Planned disposition of the returned spirits.

(Approved by the Office of Management and Budget under control number 1512-0206)

(Sec. 201, Pub. L. 85-859, 72 Stat. 1336, as amended (26 U.S.C. 5062))

[T.D. ATF-198, 50 FR 8562, Mar. 1, 1985]

### **§ 252.199 Responsibility for return of spirits withdrawn for export with benefit of drawback.**

The exporter shall be responsible for arranging the return of the spirits under this subpart to the proprietor or wholesale liquor dealer who will receive them. The exporter or his agent shall submit the original and copies of the notice required by § 252.198 to the appropriate customs official. If the spirits are returned before ATF Form 5110.30 has been filed with the customs official, the exporter shall submit Form 5110.30 with the notice. The customs officer shall, if the spirits are eligible for return under § 252.197, accept the notice as authority for the return of the spirits to the premises identified in the notice. The customs official shall acknowledge receipt on the notice, retain a copy, and return the original and one copy of the notice to the exporter. The exporter shall retain the copy of the notice and file the original of the notice with the appropriate ATF officer.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1336, as amended (26 U.S.C. 5062))

[T.D. ATF-198, 50 FR 8562, Mar. 1, 1985]

## **Subpart J [Reserved]**

## **Subpart K—Exportation of Wine With Benefit of Drawback**

### **§ 252.211 General.**

Wines manufactured, produced, bottled in bottles packed in containers, or packaged in casks or other bulk containers in the United States on which an internal revenue tax has been paid or determined, and which are filled on premises qualified under this chapter to package or bottle wines, may, subject to this part, be:

- (a) Exported;